

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

Case No. _____

Plaintiff

v.

Defendant

Name of Judgment Debtor subject to this suggestee execution

Judgment Debtor's Social Security No.

Address

Judgment Debtor's Date of Birth

SUGGESTEE EXECUTION
[Garnishment of Salary and Wages]

TO: _____
Name of Employer

Address of Employer

On _____, a money judgment was awarded to _____

as judgment creditor, in the amount of \$ _____, with interest from the date of judgment at the rate of _____

percent per year, plus \$ _____ in costs. The current unpaid balance of the judgment, with any partial payments applied

to reduce accrued interest, then to reduce the judgment principal, is:

Unpaid Principal	\$	_____
Unpaid Interest		_____
Unpaid Costs		_____
Costs of this Execution (<i>if costs awarded in judgment</i>)		=====
TOTAL	\$	_____

with additional interest to accumulate on the unpaid principal from the date of this suggestee execution at the rate of _____ percent per year.

You are hereby notified that this suggestee execution constitutes a lien for the above amount upon the salary and wages due or to become due to the above named judgment debtor within one year of the issuance of this suggestee execution.

You are hereby ordered to withhold from the wages of the judgment debtor for each pay period the lessor of:

- (1) 20 percent of the judgment debtor's wages after deductions of all state and federal taxes, or

- Return
- Employer
- File
- Defendant
- Plaintiff

(2) the amount of the judgment debtor's wages, after deductions of all state and federal taxes, that for each week exceeds 30 times the federal minimum hourly wage.

(If the judgment debtor's wages, after deducting state and federal taxes, do not exceed 30 times the federal minimum hourly wage, then no amount shall be withheld.)

Withholding shall continue until one year from the date of issuance of this suggestee execution, unless the above judgment, interest and costs are sooner satisfied or this suggestee execution is sooner released.

Remittance:

Private employers. During the course of this suggestee execution, once every 90 days the amount withheld should be paid to the judgment creditor or to the sheriff for delivery to the judgment creditor.

Public employers. During the course of this suggestee execution, once every 90 days the amount withheld should be paid the clerk, or if served by the sheriff, to either the clerk or the sheriff for delivery to the judgment creditor.

Name of judgment creditor/judgment creditor's attorney

Address of judgment creditor/judgment creditor's attorney

Date: _____ Magistrate Court Clerk: _____

Date and hour of mailing of certified copy to judgment debtor: _____

INSTRUCTIONS TO SHERIFF: Service of this suggestee execution may not be made upon the employer herein until the expiration of 5 days from the date and hour of mailing a certified copy to judgment debtor (by clerk) as set forth above.

NOTICE TO EMPLOYER: Failure to withhold wages as directed may result in the employer becoming liable for the amount that should have been withheld.

NOTICE TO JUDGMENT DEBTOR: Some or all of your wages subject to withholding under this order may be exempt from withholding under state and federal law. If you wish to claim exemptions, you must do so promptly by filing an affidavit of exemption with the clerk before each pay period and request that the clerk issue a temporary release of this exemption. An affidavit form may be obtained from the clerk. You may wish to consult a lawyer regarding your exemption rights.

- Return
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